Comment on the proposed conservation of *Nasutitermes* Dudley, 1890, *Microcerotermes* Silvestri, 1901 and NASUTITERMITINAE Hare, 1937 (Insecta, Isoptera)
(Case 3292; see BZN **62**: 8–13)

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1. The objective of the application is to conserve the names *Nasutitermes* Dudley, 1890, *Microcerotermes* Silvestri, 1901 and NASUTITERMITINAE Hare, 1937, by suppressing the name *Eutermes* Heer, 1849, because it threatens *Nasutitermes* Dudley, 1890 (and the family-group name based upon it, NASUTITERMITINAE Hare, 1937).

These two generic names *Nasutitermes* and *Microcerotermes* are obviously in broad use for important termites and should be conserved. The question is whether they are actually threatened by *Eutermes* Heer, 1849 to a point which justifies the suppression of the latter. As pointed out by Engel & Krishna (paras. 1, 2, 6) the type species of *Eutermes* Heer, 1849 is *Termes* (*Eutermes*) *debilis* Heer, 1849 as designated by Banks (1919, p. 482). The type specimen of *T. debilis* is presently untraceable. It is an imago described as in amber ('Bernstein'). Neither its age nor its geographic locality are known. Heer's description (Heer, 1849, p. 35) and illustration (pl. III, fig. 6) are not diagnostic at the generic level. According to Hagen's (1858) observations, this imago is in gum copal and possibly represents a Recent species from Porto Rico now placed in *Microcerotermes*, but this assignment is far from conclusive. There is, at best, only weak evidence for considering *Eutermes* to be a senior synonym of *Microcerotermes*. Synonymy with *Nasutitermes* is even less likely. These genera differ from each other to such an extent that they are today placed in different subfamilies. Suspecting that either of them might be a synonym of *Eutermes*, Heer is symptomatic of the poor characterization of this latter genus. Of course, should the type specimen of *T. debilis* be found, its study might confirm the synonymy of *Eutermes* with *Nasutitermes*, *Microcerotermes* or another termite genus in use. Engel & Krishna asked the Commission to suppress the name *Eutermes* as a preventive measure, because the resolution of its identity might create instability. Such a ruling would seem premature to me, because no synonymy with potentially destabilising consequences is suggested by current taxonomic knowledge. Such synonymy remains only a mere possibility in case of a very hypothetical future revision, after which *Eutermes* might just as well be recognized as a distinct genus. The Commission should not encourage initiatives aimed at suppressing dubious names before they are adequately characterized for fear they might ultimately turn out to be senior synonyms of well-known taxa. I therefore recommend that the Commission does not use its plenary power, as requested by Engel & Krishna (para. 11(1)(a)), to suppress the name *Eutermes* Heer, 1849.

2. The second objective of this application is to clarify the status of the type species of *Nasutitermes* Dudley, 1890. The status of this nominal genus has been discussed by various authors, most recently Constantino (2002), who concluded that *Eutermes*

costalis Holmgren, 1910 was validly designated as type species by Emerson (1925, p. 379). Engel & Krishna (para. 3), however, returned to the designation by Banks (in Banks & Snyder, 1920, p. 69) of *Termes morio* Latreille, 1805 as type species of *Nasutitermes*. There are two problems with this designation: (1) *T. morio* was not among the species originally included in *Nasutitermes*; (2) *T. morio* is not a new name, but refers to specimens which Latreille misidentified as *T. morio* Fabricius, 1793. Emerson (1925, p. 379) considered that the name *Nasutitermes costalis* (Holmgren, 1910) should replace *Termes morio* Latreille and concluded that '*N. costalis* (Holmgren) will be the type species of *Nasutitermes*'. Engel & Krishna referred to Article 70.3 of the Code ('Misidentified type species') to conclude that the type species should be chosen from the nominal species previously cited as type species (in this case, *Termes morio* Fabricius, 1793) or the taxonomic species actually involved (*Eutermes costalis* Holmgren, 1910). However, Article 67.9 states that the provisions of Article 70.3 apply only if a validly fixed type species is later found to have been misidentified. Since *Termes morio* was not among the originally included nominal species (Article 67.2), it was not validly fixed by Banks as type species of *Nasutitermes* and Article 70.3 is not applicable. The discussion by Engel & Krishna of the consequences of the application of Article 70.3 to this case is irrelevant. *Termes morio* Fabricius is not available for type species fixation and *E. costalis* Holmgren is not the only alternative. The relevant question is whether Emerson's (1925) statement constitutes a valid designation of *E. costalis* Holmgren as type species. It is clear that Emerson accepted the designation of *T. morio*, but only considered that the name of the species had to be changed. For this reason, Engel & Krishna rejected Emerson's statement as a new type species designation. However, according to Constantino (2002, p. 534), the fact that Emerson's reasoning was wrong does not invalidate the type species designation. Article 69.1.1 states that '. . . an author is deemed to have designated one of the originally included nominal species as type species, if he or she states (for whatever reason, right or wrong) that it is the type or type species'. It is clear that we should follow Constantino in accepting that Emerson (1925) validly designated *E. costalis* as type species of *Nasutitermes*, even though his argument was wrong. No ruling of the Commission is needed in this case, since *E. costalis* is in current use as type species of *Nasutitermes*. The Commission could, however, use its specific powers (Article 78.2.3) to 'interpret the provisions of the Code' and confirm that Emerson's (1925) statement, reproduced above, does constitute a valid type species designation.

Comment on the proposed conservation of the specific name of *Melitaea nycteis* Doubleday, 1847 (currently *Chlosyne nycteis*; Insecta, Lepidoptera)
(Case 3280; see BZN **62**: 79–83)

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I support the application by Calhoun, Miller & Miller requesting that the name *Melitaea nycteis* Doubleday, 1847 is conserved, and the problematic name *Melitaea*